

MANDATE

S.D.N.Y. – N.Y.C.
17-cr-548
Furman, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

USDC SDNY
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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of December, two thousand twenty-three.

Present:

John M. Walker, Jr.,
José A. Cabranes,
Joseph F. Bianco,
Circuit Judges.

In Re: Joshua Adam Schulte,

23-1110

Petitioner.

Petitioner, pro se, petitions for a writ of mandamus and moves for in forma pauperis (“IFP”) status. Upon due consideration, it is hereby ORDERED that the IFP motion is GRANTED for the purpose of filing the mandamus petition. It is further ORDERED that the mandamus petition is DENIED as moot as to Petitioner’s requests for the “necessary resources” to prepare for his September 2023 trial and to complete briefing for his motion for a judgment of acquittal, because the trial has concluded and the motion has been decided. *See Barrett v. United States*, 105 F.3d 793, 794 (2d Cir. 1996) (per curiam). The petition is DENIED as to Petitioner’s remaining requests because he has not demonstrated that he “lacks an adequate alternative means” of obtaining relief. *In re Steinhardt Partners, L.P.*, 9 F.3d 230, 233 (2d Cir. 1993); *see also Linde v. Arab Bank, PLC*, 706 F.3d 92, 118 (2d Cir. 2013) (concluding that mandamus “is not to be used as a substitute for appeal” (internal quotation marks and citation omitted)).

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




Catherine O'Hagan Wolfe

MANDATE ISSUED ON 02/22/2024